

Brian C. Pascale (bp3770)
WEITZPASCALE
Attorneys for Plaintiff
JUN YAN
221 Mineola Boulevard
Mineola, New York 11501
Tel: (516) 280-4716
Fax: (516) 710-7838
bcpascale@weitzpascale.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JUN YAN,

Plaintiff,

Civil Action No.: 18-cv-4673

-against-

COMPLAINT

LIBO ZHOU and JIE HU,

Defendants.

-----X

Plaintiff, JUN YAN, by and through his attorneys, WEITZPASCALE, complaining
of Defendants, LIBO ZHOU and JIE HU, alleges as follows:

JURISDICTION & VENUE

1. This action is brought pursuant to 28 U.S.C. § 1332(a)(1) based upon Diversity of Citizenship because the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and it is between citizens of different states.

2. Venue in this District is appropriate pursuant to 28 U.S.C. § 1391, as the Eastern District of New York is the Judicial District in which a substantial part of the

events forming the basis of the Complaint occurred, where a substantial part of the evidence involved in the subject action is situated, and where the majority of the witnesses to the events forming the basis of the Complaint reside. Furthermore, the Defendants meet the requisite minimum contacts for jurisdiction in this District.

THE PARTIES

3. Plaintiff, JUN YAN, is a citizen of the United States and a resident of the State of New York residing in Oyster Bay (Nassau County), which is located within the Eastern District of New York.

4. Defendant, LIBO ZHOU, is a citizen of the People's Republic of China and at all times herein mentioned, a resident of the State of New Jersey residing at 11 Tamarack Road, Alpine, NJ 07620 (Bergen County).

5. Defendant, JIE HU, is a citizen of the People's Republic of China and at all times herein mentioned, a resident of the State of New Jersey residing at 11 Tamarack Road, Alpine, NJ 07620 (Bergen County).

FACTUAL ALLEGATIONS

(A)

Plaintiff JUN YAN

6. Plaintiff, JUN YAN, is the president of a commercial and residential real estate development and property management firm with property in New York. Mr. YAN moved from the People's Republic of China to the United States in 2012 with his

wife and two (2) children. Since that time Mr. YAN and his wife have raised their son and daughter in Oyster Bay, New York.

(B)

Defendants LIBO ZHOU & JIE HU

7. Defendant, LIBO ZHOU, is a famous Chinese stand-up comedian, talk show host and television actor, who resides, with his wife, Defendant, JIE HU, in New Jersey and Shanghai. Mr. ZHOU is well-known for creating his own unique style of stand-up comedy which achieved nation-wide acclaim.¹ In 2008 he performed two (2) shows which achieved tremendous success, and the tickets to those shows became the most coveted tickets at that time.² In 2010, Defendant, ZHOU, then became one of the judges of the popular television show “China’s Got Talent.”

8. Defendants, ZHOU and HU, purchased their Alpine, New Jersey residence in 2011 for approximately four million three hundred thousand (\$4,300,000) dollars. In 2012 Defendants, along with their two daughters, moved from Shanghai to their New Jersey residence.

9. In July 2016, Defendant, ZHOU, performed a one-man comedy show at New York’s Carnegie Hall before a paid audience of over two thousand eight hundred (2,800) theatre goers. Upon information and belief, following the success of his

¹ This is according to a complaint Defendant, LIBO ZHOU, filed on July 12, 2018 in New York County against a Los Angeles lawyer and his law firm. The matter was filed under the caption Libo Zhou v. Longzhu & Liu Law Inc., which the New York County Clerk assigned Index No.: 156463/2018.

² According to Mr. ZHOU’S aforementioned New York County complaint.

performances at Carnegie Hall, in October 2016 Defendants applied to become United States permanent residents.

10. LIBO ZHOU'S, notoriety and popularity as a comedian, has generated a large audience in China and abroad, allowing him to amass an extensive social media following. One social media platform where Defendant, ZHOU, maintains an account is Sina Weibo ("Weibo")³ under the name "Zhou Libo." LIBO ZHOU'S Weibo page can be found at the following Uniform Resource Locator ("URL"): https://www.weibo.com/zhoulibo?is_hot=1. Mr. ZHOU'S Weibo page had over thirty-five million (35,000,000) followers as of August 2018. As of the filing of this complaint, Defendant, ZHOU'S, Weibo account remains active.

11. Defendant, JIE HU, also has a social media account on Weibo under the name "Hu Jie Grace." JIE HU'S Weibo page can be found at the following URL: https://www.weibo.com/u/3153153010?is_hot=1. Ms. HU's Weibo page has sixty-six thousand two hundred sixty-five (66,265) followers as of August 2018. As of the filing of this complaint, Defendant, HU'S, Weibo account remains active.

12. Upon information and belief, in 2016, Columbia University appointed Defendant, ZHOU, to be an off-campus researcher for a proposed Educational Center for Science, Society, and Innovation. Mr. ZHOU was to be the principal in the study of humor in terms of education and society, a position which necessitated that he obtain financial sponsors for his project.

³ Weibo is one of the most popular social networking websites in China, similar to Facebook in the United States. The microblogging website allows users to publish, post, and follow other users, celebrities, and others who use Weibo. Weibo reported that as of the first quarter of 2018 the site has four hundred eleven million (411,000,000) monthly users.

(C)

Relationship Between the Parties

13. JUN YAN and LIBO ZHOU met in November 2016 through a mutual friend. After that initial meeting the two men socialized leading Mr. YAN to believe they had become friends. However, LIBO ZHOU'S true intentions became clear on January 18, 2017. That evening Defendant, ZHOU, and his associate, Shuang Tang ("Tang"), an assistant professor of engineering at SUNY Polytechnic Institute, had dinner at Mr. YAN'S Oyster Bay home.

14. During dinner that evening Defendant, ZHOU, audaciously asked Mr. YAN to make a ten million (\$10,000,000) dollar donation to Columbia University for his aforementioned project. While Mr. YAN was willing to make a generous donation, he rejected LIBO ZHOU'S outrageous demand.

(D)

**LIBO ZHOU'S Underlying Arrest for Possession
of an Unlicensed Loaded Pistol & Crack Cocaine**

15. At approximately 11:40 p.m. on January 18, 2017 Mr. ZHOU and Mr. Tang left Plaintiff's home to allegedly meet a friend in Flushing, Queens. That evening Defendant, ZHOU, was driving the black Mercedes Benz and Mr. Tang was in the front passenger seat. Approximately ten (10) minutes after leaving Mr. YAN'S home police stopped the vehicle. The officers alleged Mr. ZHOU was driving erratically and while using a cell phone.

16. During the stop the police officers observed an empty gun holster on the rear floor of the vehicle. The officers then asked Mr. ZHOU for permission to search the vehicle. Since he does not speak English, Mr. Tang acted as an interpreter between Mr. ZHOU and the police officers that evening. Believing they had consent they searched the vehicle. During the search they discovered two (2) plastic bags containing crack cocaine and a loaded .38 caliber Colt Mustang pistol in a backpack. Defendant, ZHOU, would later contend in a suppression hearing that he never consented to the search. LIBO ZHOU and Mr. Tang were thereafter arrested and charged with felony possession of a loaded firearm and misdemeanor possession of a controlled substance, crack cocaine.

17. Approximately thirteen (13) months later, LIBO ZHOU'S defense attorneys filed an omnibus motion seeking, amongst other relief, suppression of the fruits of the police search and seizure of his vehicle and the backpack where they found the loaded pistol and crack cocaine on the grounds that Mr. ZHOU never consented to the search. On June 4, 2018 the court granted LIBO ZHOU'S motion to suppress the gun and drugs. That same day the Nassau County District Attorney dismissed the gun and drug charges after Mr. ZHOU pleaded guilty to a traffic violation and was sentenced to pay a fine, and court surcharges.

(Intentionally Left Blank)

(E)

**Defendants' Campaign to Deflect Responsibility
for LIBO ZHOU'S Conduct on January 18, 2017**

18. Defendant, LIBO ZHOU, was not satisfied with fact that his gun and drug charges were dismissed on account of the suppression of the contraband, rather than on the merits. Following the dismissal Mr. ZHOU falsely proclaimed to the media, and on social media, that he had been fully exonerated by the court and district attorney of the gun and drug charges, and that he would soon reveal the true story of his case. However, Mr. ZHOU omitted from his story the fact that the case was not dismissed on the merits.

19. Defendants then began a media and social media campaign falsely depicting Mr. ZHOU as a victim of an elaborate frame-up which included false allegations that the police officers had been bribed to pull him over on January 18, 2017 and that his original criminal defense attorney, Hugh H. Mo, Esq. ("Mo"), was corrupt and had been had been bribed to cause him harm. Upon information and belief this effort by Defendants was designed to purge any inferences of LIBO ZHOU'S possible criminal involvement in the court of public opinion, while simultaneously attempting to avoid any potential adverse legal consequences in China and in the United States where he has a pending application for permanent residence.

20. Defendants then directed their campaign towards damaging the professional and personal reputation of Plaintiff, JUN YAN, by publishing multiple false and defamatory statements about Plaintiff on their personal Weibo pages. In

making and publishing these false statements in their respective Weibo pages. Defendants capitalized on Mr. ZHOU'S popularity as a comedian in China, the United States, and amongst people of Chinese descent living throughout the world. Defendants knew that their false, salacious, and defamatory statements would be widely reported by the media. Mr. ZHOU and Ms. HU likewise knew that those defamatory statements would be widely read and disseminated by their Weibo followers, and then republished by and to millions of Chinese readers, people of Chinese descent, and other individuals throughout the world. Defendants' intended objective was clearly to subject Plaintiff, JUN YAN, to irreparable and permanent reputational damages, economic harm, and ridicule. Defendants' defamation campaign was ultimately successful in causing damage to Mr. YAN's personal and professional reputations.

21. As will be described in the below defamatory Weibo posts, initially Defendants referred to Plaintiff, JUN YAN, only as "XX." In his July 4, 2018 Weibo post Defendant, LIBO ZHOU, falsely alleged that the still unidentified "XX" had put the loaded pistol and two (2) bags containing crack cocaine in his bag. JIE HU further stated in her July 9, 2018 Weibo post that Defendants were targeting an unnamed person who was responsible for framing them that she referred to as "XX." The intrigue they stirred up to identify the person who purportedly framed LIBO ZHOU created a social media frenzy.

22. Defendant, ZHOU, then fed the frenzy with his July 18, 2018 Weibo post. Therein, Mr. ZHOU included photographs of Plaintiff and his home and stated that the

person depicted in the photograph was “XX.” Mr. ZHOU further revealed that the photograph was of Plaintiff’s house. This exacerbated Mr. ZHOU’S Weibo followers’ need to identify the still unnamed man in the photograph and where he lived.

23. Upon information and belief Defendants, LIBO ZHOU and JIE HU, teased out this information intentionally to draw more of his followers to his Weibo posts to manipulate the interest in his purported plight. This is supported by the Defendants’ statements such as “[p]lease wait and see!” at the end of the July 4, 2018 Weibo post. After they had received the level of attention they wanted, on July 24, 2018, Defendant, LIBO ZHOU, published a Weibo post identifying, by name, Plaintiff, JUN YAN, as “XX.”

24. Specifically, Defendant, ZHOU, published false and defamatory statements that Plaintiff (a) has billions of dollars in illicitly gained assets, (b) is in possession of an arsenal of illegal firearms, (c) framed Mr. ZHOU by placing the loaded pistol and bags containing crack cocaine in his backpack, (d) admitted to knowing the loaded pistol had been placed in Mr. ZHOU’S backpack, (e) bribed and conspired with police to stop and search his vehicle on January 18, 2017, (f) bribed and conspired with Mr. ZHOU’S first criminal defense attorney against Defendant, ZHOU, and (g) is engaged in ongoing corrupt practices.

25. For her part, Defendant, JIE HU, published false statements that Plaintiff (a) framed Mr. ZHOU by placing the loaded pistol and bags containing crack cocaine in her husband’s backpack, and (b) bribed and conspired with Mr. Tang to frame her husband.

26. Defendants, LIBO ZHOU and JIE HU, published the following false and defamatory statements on the social media platform Weibo which they purport are fact.

July 4, 2018 Weibo Post

27. On or about July 4, 2018 Defendant, LIBO ZHOU, published under the name "Zhou Libo" a blog post on Weibo titled "Zhou Libo's culprit has an amazing background" containing multiple false and defamatory statements about Plaintiff ("July 4, 2018 Weibo post"). The July 4, 2018 Weibo post is located at the URL: https://www.weibo.com/1682352065/GojQp04eq?from=page_1035051682352065_profile&wvr=6&mod=weibotime&type=comment#_rnd1532964603190. A true and correct copy of the July 4, 2018 Weibo post, originally published in Chinese, is annexed hereto as **Exhibit "1,"** and incorporated herein by reference. To comply with Rule 901(a) of the Federal Rules of Evidence the July 4, 2018 blog post was translated from Chinese to English and a copy of the translation together with a Declaration attesting to the translator's qualifications and certifying that the English translation is true and accurate is further annexed with Exhibit "1."

28. The defamatory statements Defendant, LIBO ZHOU, published on Weibo on July 4, 2018 make multiple false and disparaging statements about Plaintiff, JUN YAN, which falsely identify Mr. YAN as a criminal engaged in extensive immoral, unethical, and criminal conduct, including (a) having billions of dollars in illicitly gained assets, (b) possessing illegal and/or restricted firearms, including submachine guns, (c) possessing unregistered firearms, (d) possessing firearms registered under the

names of third-parties, (e) framing Mr. ZHOU by placing the loaded pistol and bags containing crack cocaine in his backpack, (f) admitting to knowing that the loaded pistol had been placed in Mr. ZHOU'S backpack, (g) bribing and conspiring with the police to stop and search Mr. ZHOU'S vehicle on January 18, 2017, (h) bribing and conspiring with Mr. ZHOU'S first criminal defense attorney against Defendant, ZHOU, and (i) is presently engaged in corrupt practices.

29. Specifically, in the July 4, 2018 Weibo post Defendant, LIBO ZHOU, published the following defamatory falsehoods about Plaintiff:

- a. "He has no proper career and business in the United States, but he says he owns billions of dollars in assets and lives in a 45-acre Long Island mansion with several luxury yachts."
- b. "As a demobilized soldier, XX loves guns, and there are hundreds of real guns in his house, even including the submachine guns restricted in New York state. Many of these guns are illegally held or registered in the name of others."
- c. "However, on the second day after the accident, on January 19, 2017, a Chinese lawyer informed that a certain person had transferred the gun (with evidence) and received a certain amount of 30,000 US dollars in cash."
- d. "Even today I still don't understand why XX had to put things in my bag. If it is unintentional, then why are the two police officers were

coming prepared? He seems to know that there are guns and drugs in the car.”

- e. “Who is colluding with the police? To know that this certain person has a deep relationship with the police, he personally said that he bought a lot of red wine under the name of the police chief’s wife (with evidence).”
- f. “One of the two police officers is a resident policeman in a certain community, and has a chance to meet with him.”
- g. “Regardless of the purpose of XX, XX’s behavior has in reality caused me great psychological and material damage, and I will retain the right to pursue legal and civil compensation. This way, I give myself and family justice and also to the public.”

30. In the July 4, 2018 Weibo post, Defendant, LIBO ZHOU, includes statements that “[m]any people including myself ... are willing to testify” and “with evidence,” and that, therefore, readers of Defendant’s false statements should believe them to be true.

31. Since Defendant, LIBO ZHOU, published the defamatory statements in the July 4, 2018 Weibo post his libelous statements have been liked by at least thirty-three thousand three hundred (33,300) unique Weibo users, it has been shared by more than twenty thousand (20,000) unique Weibo users, and over two thousand one hundred (2,100) unique Weibo users have commented on the post.

July 9, 2018 Weibo Post

32. On or about July 9, 2018 Defendant, JIE HU, published under the name “Hu Jie Grace” a blog post on Weibo titled “Hu Jie responded to Tang Shuang” containing multiple false and defamatory statements about Plaintiff (“July 9, 2018 Weibo post”). The July 9, 2018 Weibo post is located at the URL: https://www.weibo.com/3153153010/Gp9ROqAaa?from=page3061003153153010_profile&wvr=6&mod=weibotime&type=comment. A true and correct copy of the July 9, 2018 Weibo post, originally published in Chinese, is annexed hereto as **Exhibit “2,”** and incorporated herein by reference. To comply with Rule 901(a) of the Federal Rules of Evidence the July 9, 2018 blog post was translated from Chinese to English and a copy of the translation together with a Declaration attesting to the translator’s qualifications and certifying that the English translation is true and accurate is further annexed with Exhibit “2.”

33. The defamatory statements, which were published on Weibo on July 9, 2018 by Defendant, JIE HU, make multiple false disparaging statements about Plaintiff, JUN YAN, which falsely identify Mr. YAN as a criminal engaged in extensive immoral, unethical, and criminal conduct, including (a) framing her husband by placing the loaded pistol and bags containing crack cocaine in Mr. ZHOU’S backpack, (b) bribing and conspiring with Mr. Tang to frame her husband, and (c) having illicitly gained money.

34. Specifically, in the July 9, 2018 Weibo post Defendant, JIE HU, published the following defamatory falsehoods about Plaintiff:

- a. "Our target is the XX who framed us."
- b. "Also here is a reminder for you, what kind of person is XX, you should know clearly. XX spent a certain price to buy you to come out to frame us, but the money are from the Chinese citizens' blood and sweat tax money;"

35. In the July 9, 2018 Weibo post, Defendant, JIE HU, includes statements that "we will publish evidence when we deem it necessary" and "[a]ccording to American culture, in 10 sentences, if the first one is a lie, then you can't trust the rest of the words,"⁴ and that, therefore, readers of Defendant's false statements should believe them to be true.

36. Since Defendant, JIE HU, published the defamatory statements in the July 9, 2018 Weibo post her libelous statements have been liked by at least five thousand three hundred (5,300) unique Weibo users, it has been shared by more than three thousand three hundred (3,300) unique Weibo users, and over seven thousand two hundred (7,200) unique Weibo users have commented on the post.

(Intentionally Left Blank)

⁴ Defendant, HU, makes this statement invoking the doctrine of *falsus in uno* in an attempt to persuade readers that Mr. Tang has made a false statement and thus cannot be trusted, but implying that they can trust JIE HU.

July 18, 2018 Weibo Post

37. On or about July 18, 2018 Defendant, LIBO ZHOU, published under the name “Zhou Libo” a blog post on Weibo titled “Who is he” containing multiple false and defamatory statements about Plaintiff (“July 18, 2018 Weibo post”). The July 18, 2018 Weibo post is located at the URL: https://www.weibo.com/1682352065/GquhXCjSn?from=page_1035051682352065_profile&wvr=6&mod=weibotime&type=comment#_rnd1534375990529. A true and correct copy of the July 18, 2018 Weibo post, originally published in Chinese, is annexed hereto as **Exhibit “3,”** and incorporated herein by reference. To comply with Rule 901(a) of the Federal Rules of Evidence the July 18, 2018 blog post was translated from Chinese to English and a copy of the translation together with a Declaration attesting to the translator’s qualifications and certifying that the English translation is true and accurate is further annexed with Exhibit “3.”

38. The defamatory statements, which were published on Weibo on July 18, 2018 by Defendant, LIBO ZHOU, make multiple false disparaging statements about Plaintiff, JUN YAN, which falsely identify Mr. YAN as a criminal engaged in extensive immoral, unethical, and criminal conduct, including having illicitly obtained a net worth of one billion (\$1,000,000,000) dollars. In the July 18, 2018 Weibo post Defendant, ZHOU, includes photographs of Plaintiff and his Oyster Bay home, thereby reveals that the person he and Defendant, HU, refer to as “XX” is Plaintiff.

39. Specifically, in the July 18, 2018 Weibo post Defendant, LIBO ZHOU, published the following defamatory falsehoods about Plaintiff:

- a. “This person claims to have a worth of 1 billion US dollars. This person has no legitimate career. Where does this person’s wealth come from? This person is the ‘XX’ whom I mentioned; this person is the ‘good guy’ according to Tang Shuang, the borrower.”

40. In the July 18, 2018 Weibo post, Defendant, LIBO ZHOU, includes statements that “[a]fter returning to China, I was afraid that my family would be in danger, and I was afraid of being ‘sealed,’” an implication that he is exposing corruption which places him and his family’s lives in danger and that, therefore, readers of Defendant’s false statements should believe them to be true.

41. Since Defendant, LIBO ZHOU, published the defamatory statements in the July 18, 2018 Weibo post his libelous statements have been liked by at least twenty-four thousand seven hundred (24,700) unique Weibo users, it has been shared by more than nine thousand seven hundred (9,700) unique Weibo users, and over seventeen thousand four hundred (17,400) unique Weibo users have commented on the post.

July 24, 2018 Weibo Post

42. On or about July 24, 2018 Defendant, LIBO ZHOU, published under the name “Zhou Libo” a blog post on Weibo titled “Final Summary of the Case” containing multiple false and defamatory statements about Plaintiff (“July 24, 2018 Weibo post”). The July 24, 2018 Weibo post is located at the URL: <https://www.weibo.com/ttarticle/p/show?id=2309404265242036193799>. A true and correct copy of the July 24, 2018 Weibo post, originally published in Chinese, is annexed hereto as **Exhibit “4,”** and incorporated

herein by reference. To comply with Rule 901(a) of the Federal Rules of Evidence the July 24, 2018 blog post was translated from Chinese to English and a copy of the translation together with a Declaration attesting to the translator's qualifications and certifying that the English translation is true and accurate is further annexed with Exhibit "4."

43. The defamatory statements, which were published on Weibo on July 24, 2018 by Defendant, LIBO ZHOU, make multiple false disparaging statements about Plaintiff, JUN YAN, which falsely identify Mr. YAN as a criminal, being engaged in extensive immoral, unethical, and criminal conduct, including (a) framing Mr. ZHOU by placing the loaded pistol and bags containing crack cocaine in his backpack, (b) admitting to knowing that the loaded pistol had been placed in Mr. ZHOU'S backpack, (c) bribing and conspiring with police to stop and search Mr. ZHOU'S vehicle on January 18, 2017, and (d) is presently engaged in corrupt practices. Specifically, in the July 24, 2018 Weibo post Defendant, LIBO ZHOU, published the following defamatory falsehoods about Plaintiff:

- a. "Zhou Libo was hassled by this case for a year and a half. Although he was acquitted, he often thought of the second generation of corrupt officials and bad lawyers who continued to damage the Chinese society."
- b. "XX, is both the initiator of the case and the protagonist of the case. This person has been exposed already, and this omnipotent netizen has been dug up. His name is Yan Jun, and his history of sin and greed will

soon be revealed to the world. At the time of the incident, the car was driven from the home of Yan Jun. My backpack was always in his study room, in the home of Yan Jun for several hours, but I have been working outside the study room. My car key was hanging inside the car which anyone can enter.”

- c. “After the accident, XX was ‘jumpy’ and nervous and this obviously means he’s the protagonist outside the case.”
- d. “Among the recordings on January 19, 2017, Yan Jun admitted that the gun was placed in the bag, and I was still detained in the police station and didn’t come out at the time.”
- e. “If the gun and drugs are not related to Yan Jun, and if Yan Jun is not the initiator of the case, then why would be it necessary for him to be so nervous?”
- f. “Also he used large amount of money to bring together Mo Hu and Tang Shuang, and even took the initiative to bear the legal fees of me and Tang Shuang?”
- g. “Here, Zhou Libo reports to the relevant departments the real name of Yan Jun who participates in corruption of huge sum, and will fully cooperate with the relevant departments to investigate.”

44. In the July 24, 2018 Weibo post, Defendant, LIBO ZHOU, includes statements asserting he is “a victim” and “[e]very injustice has its perpetrator and every debt its debtor, and he who doesn’t return evil for evil is not a gentleman,” that the

truth “will soon be revealed to the world,” “[p]lease rest assured!,” and “the bad guys have been exposed” and that, therefore, readers of Defendant’s false statements should believe them to be true.

45. Since Defendant, LIBO ZHOU, published the defamatory statements in the July 24, 2018 Weibo post his libelous statements have been liked by at least twenty-nine thousand (29,000) unique Weibo users, it has been shared by more than twelve thousand (12,000) unique Weibo users, and over twenty-eight thousand one hundred (28,000) unique Weibo users have commented on the post.

(F)

**Defendants Have Not Retracted their
False & Defamatory Statements**

46. The statements Defendant, LIBO ZHOU, makes in the July 4, 2018 Weibo post, July 18, 2018 Weibo post, and the July 24, 2018 Weibo post are false and defamatory. Defendant, ZHOU, did not make any efforts to retract the aforementioned Weibo posts. Instead, LIBO ZHOU chose a course of conduct wherein he has continued defaming Plaintiff, JUN YAN, online and to the media by attacking Mr. YAN’s integrity, morality, and ethics while accusing him of engaging in extensive criminal conduct. Consequently, the negative impact of LIBO ZHOU’S defamatory Weibo posts regarding Plaintiff is ongoing and substantial.

47. The statements Defendant, JIE HU, makes in the July 9, 2018 Weibo post are false and defamatory. Similarly, Defendant, HU, made no efforts to retract her July 9, 2018 Weibo post. She instead has continued “sharing” Weibo posts Defendant,

ZHOU, publishes defaming Plaintiff, YAN. Consequently, the negative impact of JIE HU'S defamatory Weibo post regarding Plaintiff is ongoing and substantial.

(G)

LIBO ZHOU'S Followers Actively Stalk Plaintiff

48. Defendants' teasing out the identity of "XX" had its intended effect. It created a social media frenzy among his followers to identify the person. Defendant, LIBO ZHOU, has published photographs of Plaintiff and his home, and published Plaintiff's home address. Defendant, ZHOU, has even gone so far as to identify the name of the school Mr. YAN'S children attend. This has emboldened his followers to dig as deep as they can into Plaintiff's life. Yet, instead of unearthing the non-existent dark secrets Defendants' allege in their Weibo posts, those blindly following LIBO ZHOU are exposing Plaintiff's children to a very real danger of predators.

49. Since Defendants began their campaign to blame anyone but LIBO ZHOU for his January 18, 2017 arrest his followers have posted comments to Defendants' Weibo posts that include identifying information about Plaintiff and his family. They have published photographs and maps of his home so others may find it and people have come to Plaintiff's home stating that they read about LIBO ZHOU'S claims in his Weibo posts. Because Defendants have falsely alleged Mr. YAN has illicitly amassed a wealth of billions of dollars he fears that his children will be kidnapped and held for ransom. Justifiably, Mr. YAN fears for his safety, and even more so for the safety of his family.

(H)

Plaintiff's Damages

50. Prior to Defendants' publishing the false and defamatory Weibo posts described above Plaintiff and two (2) business partners had purchased real estate in Australia which they planned to develop for mixed commercial and residential use ("Australia project"). The development plan estimated that the total profit from the Australia project would be approximately thirty million (\$30,000,000) dollars, with Plaintiff's share of the profits to be approximately ten million (\$10,000,000) dollars. As a direct result of the false and defamatory statements published by Defendants, LIBO ZHOU and JIE HU, Plaintiff's business partners in the Australia project have informed him that they want to sell the still undeveloped Australia real estate because they will no longer proceed with the development plan or conduct business with Mr. YAN.

51. Further, as a direct result of LIBO ZHOU'S followers coming to his home, causing him to fear for his family's safety, Plaintiff has been forced construct a gate at the entrance to the property costing approximately fifty-three thousand (\$53,000) dollars. Plaintiff has further been forced to hire a private security company to patrol the property costing three thousand two hundred ninety-seven dollars and eighty-six cents (\$3,297.86) per week.

(Intentionally Left Blank)

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT LIBO ZHOU
LIBEL PER SE**

52. All of the allegations contained within the paragraphs above and below are hereby incorporated by reference as if fully set out herein.

53. In making and publishing the false and defamatory statements in the July 4, 2018 Weibo post, July 18, 2018 Weibo post, and July 24, 2018 Weibo post, Defendant, LIBO ZHOU, has caused the unprivileged publication of false and defamatory statements about and concerning Plaintiff, JUN YAN, to third parties. Defendant communicated his false and defamatory statements to third parties publically via the internet and social media and/or intentionally made such statements on the internet and social media publically accessible to third parties.

54. The above-mentioned false and defamatory statements in the July 4, 2018 Weibo post, July 18, 2018 Weibo post, and July 24, 2018 Weibo post, published by Defendant, LIBO ZHOU, constitute Libel *Per Se* in that they negatively reflect upon and disparage the morals and ethics of Plaintiff, JUN YAN, alleging he has committed and continues to commit serious crimes.

55. The above-mentioned false and defamatory statements published by Defendant, LIBO ZHOU, on Weibo expose Plaintiff, JUN YAN, to public hatred, contempt, ridicule, disgrace, and obloquy. Moreover, the statements were made with the apparent intent of causing harm to Plaintiff's reputation and economic interests.

56. Since Defendant, LIBO ZHOU, published the false defamatory statements publically on Weibo his libelous statements have been viewed by tens of thousands of unique Weibo users.

57. In making and publishing the false and defamatory statements, Defendant, LIBO ZHOU, acted maliciously, willfully, wantonly, recklessly, and unlawfully. Defendant's acts, omissions, conduct, and transactions alleged herein were aggravated, outrageous, and guided by evil motives wherein Defendant, LIBO ZHOU, intended to harm Plaintiff and/or consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to Plaintiff.

58. Defendant, LIBO ZHOU, made the defamatory statements described above knowing that they were false and without any reasonable basis and/or fact to make such statements, with reckless disregard for truth and/or falsity, and with the knowledge that he had no reliable and/or unbiased evidence or information supporting the above-mentioned statements. Further, Defendant, ZHOU, failed to properly determine the truth and/or falsity of his libelous statements prior to publishing the above-mentioned defamatory statements.

59. As the defamatory statements described above made by Defendant, LIBO ZHOU, were made knowing that they were false and without any reasonable basis and/or fact to make such statements, with reckless disregard for truth and/or falsity, that he had no reliable and/or unbiased evidence or information supporting the above-mentioned statements, failed to properly determine the truth and/or falsity of his

libelous statements prior to publishing the above-mentioned defamatory statements, they were made with malice and actual malice.

60. As a result of the false and defamatory statements Defendant, LIBO ZHOU, published in the July 4, 2018 Weibo post, July 18, 2018 Weibo post, and July 24, 2018 Weibo post, Plaintiff has sustained, and will continue to sustain, harm and injury, including, but not limited to, damage to his reputation, losses in revenues, loss of profits, loss of goodwill, loss of business relations with existing and future business prospects, and loss of competitive business advantage, opportunity, and/or expectancy, as well as emotional and economic damages.

61. The above-described false and defamatory statements published by Defendant, LIBO ZHOU, impeach the honesty, integrity, morals, and reputation of Plaintiff, JUN YAN, in that they promote and accuse Plaintiff of being a criminal, committing extensive felony criminal acts, and being involved in a vast conspiracy meant to harm Defendant's reputation.

62. As a direct and proximate result of the defamatory statements published by Defendant, LIBO ZHOU, Plaintiff's good name and personal and professional reputation among his peers and his community has been damaged.

63. As a direct and proximate result of the defamatory statements published by Defendant, LIBO ZHOU, Plaintiff, JUN YAN, has sustained, and will continue to sustain, harm and injury, including, but not limited to, damage to his reputation, losses in revenues, loss of profits, loss of goodwill, loss of business relations with existing and

future business prospects, and loss of competitive business advantage, opportunity, and/or expectancy, as well as emotional and economic damages.

64. The false and defamatory statements made by Defendant, LIBO ZHOU, constitute Libel *Per Se* and general damages are presumed as a matter of law.

65. Plaintiff, JUN YAN, respectfully submits that as a result of LIBO ZHOU'S conduct his general and special damages are not less than twenty million (\$20,000,000) dollars, or an amount to be determined at trial.

66. Further, Plaintiff, JUN YAN, respectfully submits that in making the false and defamatory statements, Defendant, LIBO ZHOU, acted with malice, actual malice, oppression, or fraud, and is thus responsible for punitive damages in an amount to be determined at trial.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANT JIE HU
LIBEL *PER SE***

67. All of the allegations contained within the paragraphs above and below are hereby incorporated by reference as if fully set out herein.

68. In making and publishing the false and defamatory statements in the July 9, 2018 Weibo post Defendant, JIE HU, has caused the unprivileged publication of false and defamatory statements about and concerning Plaintiff, JUN YAN, to third parties. Defendant communicated her false and defamatory statements to third parties publically via the internet and social media and/or intentionally made such statements on the internet and social media publically accessible to third parties.

69. The above-mentioned false and defamatory statements in the July 9, 2018 Weibo post published by Defendant, JIE HU, constitute Libel *Per Se* in that they negatively reflect upon and disparage the morals and ethics of Plaintiff, JUN YAN, alleging he has committed and continues to commit serious crimes.

70. The above-mentioned false and defamatory statements published by Defendant, JIE HU, on Weibo expose Plaintiff, JUN YAN, to public hatred, contempt, ridicule, disgrace, and obloquy. Moreover, the statements were made with the apparent intent of causing harm to Plaintiff's reputation and economic interests.

71. Since Defendant, JIE HU, published the false defamatory statements publically on Weibo her libelous statements have been viewed by thousands of unique Weibo users.

72. In making and publishing the false and defamatory statements, Defendant, JIE HU, acted maliciously, willfully, wantonly, recklessly, and unlawfully. Defendant's acts, omissions, conduct, and transactions alleged herein were aggravated, outrageous, and guided by evil motives wherein Defendant, JIE HU, intended to harm Plaintiff and/or consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to Plaintiff.

73. Defendant, JIE HU, made the defamatory statements described above knowing that they were false and without any reasonable basis and/or fact to make such statements, with reckless disregard for truth and/or falsity, and with the knowledge that she had no reliable and/or unbiased evidence or information supporting the above-mentioned statements. Further, Defendant, HU, failed to properly

determine the truth and/or falsity of her libelous statements prior to publishing the above-mentioned defamatory statements.

74. As the defamatory statements described above made by Defendant, JIE HU, were made knowing that they were false and without any reasonable basis and/or fact to make such statements, with reckless disregard for truth and/or falsity, that she had no reliable and/or unbiased evidence or information supporting the above-mentioned statements, failed to properly determine the truth and/or falsity of her libelous statements prior to publishing the above-mentioned defamatory statements, they were made with malice and actual malice.

75. As a result of the false and defamatory statements Defendant, JIE HU, published in the July 9, 2018 Weibo post Plaintiff has sustained, and will continue to sustain, harm and injury, including, but not limited to, damage to his reputation, losses in revenues, loss of profits, loss of goodwill, loss of business relations with existing and future business prospects, and loss of competitive business advantage, opportunity, and/or expectancy, as well as emotional and economic damages.

76. The above-described false and defamatory statements published by Defendant, JIE HU, impeach the honesty, integrity, morals, and reputation of Plaintiff, JUN YAN, in that they promote and accuse Plaintiff of being a criminal, committing extensive felony criminal acts, and being involved in a vast conspiracy meant to harm the reputation of Defendant, LIBO ZHOU.

77. As a direct and proximate result of the defamatory statements published by Defendant, JIE HU, Plaintiff's good name and personal and professional reputation among his peers and his community has been damaged.

78. As a direct and proximate result of the defamatory statements published by Defendant, JIE HU, Plaintiff, JUN YAN, has sustained, and will continue to sustain, harm and injury, including, but not limited to, damage to his reputation, losses in revenues, loss of profits, loss of goodwill, loss of business relations with existing and future business prospects, and loss of competitive business advantage, opportunity, and/or expectancy, as well as emotional and economic damages.

79. The false and defamatory statements made by Defendant, JIE HU, constitute Libel *Per Se* and general damages are presumed as a matter of law.

80. Plaintiff, JUN YAN, respectfully submits that as a result of JIE HU'S conduct his general and special damages are not less than twenty million (\$20,000,000) dollars, or an amount to be determined at trial.

81. Further, Plaintiff, JUN YAN, respectfully submits that in making the false and defamatory statements, Defendant, JIE HU, acted with malice, actual malice, oppression, or fraud, and is thus responsible for punitive damages in an amount to be determined at trial.

(Intentionally Left Blank)

**AS AND FOR A THIRD CAUSE OF ACTION
AGAINST DEFENDANTS LIBO ZHOU & JIE HU
INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

82. All of the allegations contained within the paragraphs above and below are hereby incorporated by reference as if fully set out herein.

83. By maliciously publishing the false and defamatory statements and causing Plaintiff, JUN YAN, to suffer public ridicule and embarrassment from the defamatory statements, including that Mr. YAN is a criminal, has committed extensive felony criminal acts, and is involved in a vast conspiracy meant to harm LIBO ZHOU'S reputation, as well as engaging in the other conduct alleged herein, Defendants have engaged in extreme and outrageous conduct.

84. By maliciously publishing the false and defamatory statements as well as engaging in the other conduct alleged herein, Defendants intended to cause serious and severe emotional distress to Plaintiff, JUN YAN, and/or recklessly disregard the near certainty that such distress would result.

85. As a direct and proximate cause of Defendants' conduct, Plaintiff, JUN YAN, has and will continue to suffer humiliation, extreme emotional distress, anxiety, depression, lack of sleep, lack of a desire to eat, emotional pain and suffering, anguish, loss of self-esteem, and fear for the safety and security of his family.

86. Defendants' conduct was intentional, malicious, and done for the purpose of causing injury to Plaintiff, JUN YAN.

87. Defendants' acts, omissions, conduct, and transactions alleged herein were aggravated, outrageous, and guided by evil motives wherein Defendants intended to harm Plaintiff, JUN YAN, and/or consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to Plaintiff.

88. Plaintiff, JUN YAN, respectfully submits that as a result of Defendants' Intentional Infliction of Emotional Distress his general and special damages are not less than five million (\$5,000,000) dollars, or an amount to be determined at trial.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANTS LIBO ZHOU & JIE HU
PRELIMINARY & PERMANENT INJUNCTION**

89. All of the allegations contained within the paragraphs above and below are hereby incorporated by reference as if fully set out herein.

90. As a direct and proximate result of the Defendants, LIBO ZHOU and JIE HU, publishing the false and defamatory statements, Plaintiff, JUN YAN, has sustained, and will continue to sustain, immediate and irreparable harm and injury, including, but not limited to, damage to reputation, losses in revenues, loss of profits, loss of goodwill, loss of business relations with existing and future business prospects, and loss of competitive business advantage, opportunity, and/or expectancy, as well as emotional and economic damages.

91. The false and defamatory statements impeach the honesty, integrity, and reputation of Plaintiff, JUN YAN.

92. The false and defamatory statements are defamatory on their face.

93. There is a substantial risk that unless Defendants' wrongful acts described herein are temporarily, preliminarily, and/or permanently enjoined, Defendants, LIBO ZHOU and JIE HU, will continue to irreparably injure Plaintiff's reputation and cause risk of physical harm to his family.

94. Plaintiff, JUN YAN, has no adequate remedy at law; therefore, Plaintiff respectfully submits that he is entitled to injunctive relief.

JURY DEMAND

95. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, JUN YAN, respectfully requests that this Honorable Court grant the following relief:

A. In the FIRST CAUSE OF ACTION awarding Plaintiff general and special damages in an amount not less than twenty million (\$20,000,000) dollars, or an amount to be determined at trial against Defendant, LIBO ZHOU;

B. In the SECOND CAUSE OF ACTION awarding Plaintiff general and special damages in an amount not less than twenty million (\$20,000,000) dollars, or an amount to be determined at trial against Defendant, JIE HU;

C. In the THIRD CAUSE OF ACTION awarding Plaintiff general and special damages in an amount not less than five million (\$5,000,000) dollars, or an amount to be determined at trial against Defendants, LIBO ZHOU and JIE HU;

D. In the FOURTH CAUSE OF ACTION for a temporary, preliminary, and permanent injunction compelling Defendants to remove from the Internet, including Weibo, the false and defamatory statements and any relating defamatory material pertaining to Plaintiff;

E. In the FOURTH CAUSE OF ACTION for a temporary, preliminary, and permanent injunction enjoining Defendants from publishing any false statements or defamatory material about Plaintiff to any third party;

F. For punitive damages in an amount to be determined at trial against Defendants, LIBO ZHOU and JIE HU;

G. For Plaintiff's costs and reasonable attorneys' fees incurred herein;

H. For pre-judgment and post-judgment interest on all damages at the highest rate allowed by law from the date of injury until paid in full; and

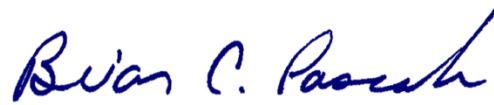
I. For such other and further relief as the Court deems just and proper.

(Intentionally Left Blank)

Dated: Mineola, New York
August 17, 2018

Yours, etc.

WEITZPASCALE



By: BRIAN C. PASCALE (bp3770)

Attorneys for Plaintiff

JUN YAN

221 Mineola Boulevard

Mineola, New York 11501

Tel: (516) 280-4716

Fax: (516) 710-7838

bcpascale@weitzpascale.com

To: LIBO ZHOU
11 Tamarack Road
Alpine, NJ 07620

JIE HU
11 Tamarack Road
Alpine, NJ 07620

Civil Action No.: 18-cv-4673

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUN YAN,

Plaintiff,

-against-

LIBO ZHOU and JIE HU,

Defendants.

SUMMONS & COMPLAINT

WEITZPASCALE
Attorneys for Plaintiff
JUN YAN
221 Mineola Boulevard
Mineola, New York 11501
Tel: (516) 280-4716

WEITZPASCALE
ATTORNEYS FOR PLAINTIFF